

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ABLAISE LTD. and GENERAL INVENTIONS  
INSTITUTE A, INC.

Plaintiff(s),

v.

E\*TRADE SECURITIES, LLC,

Defendant(s).

CASE NO.: C 05-03581 PJH

STIPULATION AND ~~[PROPOSED]~~  
ORDER SELECTING ADR PROCESS

ADR CERTIFICATION

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

Non-binding Arbitration (ADR L.R. 4)

Early Neutral Evaluation (ENE) (ADR L.R. 5)

Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

Private Process:

√ Private ADR (please identify process and provider) Mediation, JAMS

The parties agree to hold the ADR session by:

√ the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)

other requested deadline \_\_\_\_\_

Dated: 12/15/05

/s/ Martin L. Fineman  
Attorney for Plaintiff

Dated: 12/15/05

/s/ Michael Levin  
Attorney for Defendant

1 [PROPOSED] ORDER

2 Pursuant to the Stipulation above, the captioned matter is hereby referred to:

3 Non-binding Arbitration

4 Early Neutral Evaluation (ENE)

5 Mediation

6 ☒ Private ADR

7 Deadline for ADR session

8 ☒ 90 days from the date of this order  
9 other

10 IT IS SO ORDERED.

11 Dated: 12/30/05



12 UNITED STATES DISTRICT JUDGE

SIGNATURE AND CERTIFICATION BY PARTIES AND LEAD TRIAL COUNSEL

Pursuant to Civ. L.R. 16 and ADR L.R. 3-5(b), each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov), discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

*(Note: This Certification must be signed by each party and its counsel)*

Dated: \_\_\_\_\_

\_\_\_\_\_  
[Typed name and signature of plaintiff]

Dated: 12/15/05

/s/ Martin L. Fineman  
Martin L. Fineman, Attorneys for Plaintiff ABLAISE LTD. and  
GENERAL INVENTIONS INSTITUTE A, INC.

Dated: 12/13/05

/s/ Diane Turriff  
Diane Turriff, Associate General Counsel on behalf of Defendant  
E\*TRADE SECURITIES, LLC

Dated: 12/15/05

/s/ Michael Levin  
Michael Levin, Attorneys for Defendant E\*TRADE SECURITIES,  
LLC.

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Lance G. Kavanaugh, attest that concurrence in the filing of this document has been obtained from each of the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16<sup>th</sup> day of December, 2005 at Palo Alto, California.

By: /s/ Lance G. Kavanaugh  
Lance G. Kavanaugh